

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

WALTER JOHN MEACHUM, III,	)	
	)	
Petitioner,	)	
	)	
v.	)	Nos. 3:18-CV-504
	)	3:15-CR-085
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

Before the Court is Walter John Meachum, III's ("Petitioner's") *pro se* motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. [Doc. 1; Criminal Docket ("Crim.") Doc. 80].<sup>1</sup> The United States has responded in opposition. [Doc. 9]. Petitioner did not file a reply, and the time for doing so has passed.<sup>2</sup> *See* Rule 5(d) of the Rules Governing Section 2255 Proceedings for the United States District Courts; *see also* [Doc. 13]. For the reasons below, Petitioner's § 2255 motion [Doc. 1; Crim. Doc. 80] will be **DENIED**.

**I. BACKGROUND**

In September 2015, Petitioner and one co-defendant was charged in an eleven-count superseding indictment pertaining to three convenience store/gas station robberies. [Crim.

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<sup>1</sup> Document numbers not otherwise specified refer to the civil docket.

<sup>2</sup> The Court gave Petitioner a 60-day extension followed by a 30-day extension within which to file a reply brief, but he failed to do so. [See Docs. 11 & 13].

Doc. 16]. Petitioner was named in all eleven counts and charged with multiple counts of Hobbs Act Robbery, multiples counts of carjacking, multiple counts of discharging a firearm during and in relation to a crime of violence, and possessing ammunition as a convicted felon. [*See id.*].

Petitioner's counsel arranged for a psychiatric evaluation, then petitioned the Court to direct the Bureau of Prisons to conduct a psychological evaluation on Petitioner's competence to stand trial and his sanity at the time of the offenses. [Crim. Docs. 27 & 31]. Petitioner was sent for restoration August 2016, and in January 2017, a Bureau of Prisons forensic psychologist notified the Court that Petitioner was malingering but competent to stand trial. [Crim. Docs. 41 & 52]. After receiving another evaluation by a different psychologist, Petitioner confirmed that he was "getting his antipsychotic medication" and was found competent to stand trial March 2017. [Crim. Doc. 52].

On June 21, 2017, Petitioner entered into a plea agreement with the government. [Crim. Doc. 54]. Petitioner agreed to plead guilty to two counts of using, carrying, brandishing and discharging a weapon during in and relation to a crime of violence in violation of 18 U.S.C. § 924(c)(1), listed as separate and distinct convictions for violations of 18 U.S.C. § 924(c)(1). [*See id.*] Petitioner also stipulated that he was subject to statutory minimum penalties of 10 years for the first offense and 25 years for the second offense for a total of 35 years' imprisonment. [*Id.*] The plea agreement was signed by Petitioner and attorney Benjamin G. Sharp.

In his plea agreement, Petitioner acknowledged that on April 25, 2015, the Midway Market in Speedwell, Tennessee was robbed by an unknown male, later identified as

Petitioner. Petitioner walked into the business dressed in a black jacket, black shirt, and wore a black mask to conceal his face. Petitioner pointed a handgun, believed to be a .38 revolver, at the store owner and demanded money. After taking the money and a carton of Marlboro Red cigarettes, Petitioner took the victim store owner's cell phone and broke it in half. At this time, another victim walked in, observed Petitioner with the gun, and quickly ran back out of the store. Petitioner gave chase and fired approximately three rounds in the victim's direction. Petitioner then entered the victim's Chevrolet S10 pick-up truck and fled the location.

On May 14, 2015, Petitioner robbed the Marathon gas station in LaFollette, Tennessee. Petitioner pointed a firearm at several witnesses, then discharged the weapon into the counter where one of the bullets struck a twelve-year old female victim. Petitioner then went behind the counter, opened the cash register, and stole the money from the register. Petitioner encountered numerous people in the parking lot upon exiting the store and pointed his weapon at several people sitting in a 2014 grey Toyota Camry in the parking lot. Petitioner ordered them out of the vehicle before entering the vehicle and fleeing the scene.

On May 19, 2015, the Petitioner robbed the Pilot convenience store in Heiskell, Tennessee. Petitioner was described by victims as acting as if he were on drugs. Petitioner entered the business, pointed a handgun at a victim, and demanded money. After, Petitioner fired one round from the handgun in the direction of the victim. Petitioner then exited the store with an undetermined amount of money and fled in a silver Honda convertible. On the same day, the Campbell County Sheriff's Office received a call reporting a stolen silver

Honda S2000 convertible. The stolen Honda convertible was later found abandoned in Knox County, Tennessee.

On May 20, 2015, Petitioner and co-defendant were located at the Scottish Inn in Rocky Top, Tennessee where Petitioner was arrested for aggravated robbery. A search warrant was executed on their hotel room by the Knox County Sheriff's Office and the following items were located: damaged Nokia cellular phone, skeleton mask, Honda key, .22 ammunition, an improvised firearm with a .22 barrel, foreign currency, knife, and additional miscellaneous items. The Honda key was returned to the victim of the stolen Honda, who identified the key as belonging to his recovered Honda convertible. Co-defendant identified the defendant as the perpetrator of the Marathon gas station robbery and the Pilot convenience store robbery as she went along with him on both robberies. Co-defendant stated that she did not know Petitioner was robbing [sic] Marathon gas station and did not know he had a gun, but she did know about the Pilot robbery, willingly assisted him, and knew that he had the gun. Petitioner had also recently sold a silver Taurus .38 revolver to another individual. [*Id.*].

The Court conducted a change of plea hearing on July 11, 2017, the transcript for which is attached as Exhibit A to this memorandum. At the hearing, Petitioner answered all questions posed to him clearly and appropriately. [Ex. A]. He stated his full name when asked; answered the Court's questions regarding his education, age, and medical treatments; stated his diagnosis; told the Court about the medications he was currently taking; and confirmed with the Court that he knew why he was there, what the charges against him were, that he wanted to plead guilty, that he understood the rights he was giving

up by pleading guilty, and that his sentence would be determined by the Court after receiving the PSR. [*Id.* at 2-9, 14-19].

The revised PSR calculated a criminal history category of IV. [Crim. Doc. 73, ¶ 41]. There was no offense level determination and Petitioner was subject to the statutory minimum terms of imprisonment, 10 years for Count 6 and 25 years for Count 10, to be served consecutively. [*Id.* at ¶¶ 63-66]. The PSR also noted that, but for Petitioner's plea agreement dismissing Counts 2, 4, and 8, he would have been subject to an additional 75 years, to be served consecutively, in addition to the guideline sentences for the remaining counts which were dismissed. [*Id.* at ¶ 68].

The government filed a notice of no objections to the PSR. [Crim. Doc. 71]. Petitioner did not file any objections to the PSR but did file a sentencing memorandum through counsel requesting a sentence at the minimum mandatory level of 35 years, citing Petitioner's severe mental health issues and his need for continued mental health treatment. [Crim. Doc. 75].

On November 16, 2017, the Court sentenced Petitioner to the statutory minimum sentence, a total of 420 months' imprisonment and then five years of supervised release. [Crim. Doc. 78]. Petitioner did not file a direct appeal, but on November 26, 2018, he filed this timely § 2255 motion.

## **II. STANDARD OF REVIEW**

Under § 2255(a), a federal prisoner may move to vacate, set aside, or correct his judgment of conviction and sentence if he claims that the sentence was imposed in violation of the Constitution or laws of the United States, that the court lacked jurisdiction to impose

the sentence, or that the sentence is in excess of the maximum authorized by law or is otherwise subject to collateral attack. 28 U.S.C. § 2255(a). As a threshold standard, to obtain post-conviction relief under § 2255, the motion must allege: (1) an error of constitutional magnitude; (2) a sentence imposed outside the federal statutory limits; or (3) an error of fact or law so fundamental as to render the entire criminal proceeding invalid. *Mallett v. United States*, 334 F.3d 491, 496-97 (6<sup>th</sup> Cir. 2003); *Moss v. United States*, 323 F.3d 445, 454 (6<sup>th</sup> Cir. 2003).

A movant bears the burden of demonstrating an error of constitutional magnitude which had a substantial and injurious effect or influence on the criminal proceedings. *See Reed v. Farley*, 512 U.S. 339, 353 (1994) (noting that the Petitioner had not shown that his ability to present a defense was prejudiced by the alleged constitutional error); *Brecht v. Abrahamson*, 507 U.S. 619, 637-38 (1993) (addressing the harmless-error standard that applies in habeas cases alleging constitutional error). To obtain collateral relief under § 2255, a movant must clear a significantly higher hurdle than would exist on direct appeal. *United States v. Frady*, 456 U.S. 152, 166 (1982).

When a defendant files a § 2255 motion, he must set forth facts which entitle him to relief. *Green v. Wingo*, 454 F.2d 52, 53 (6<sup>th</sup> Cir. 1972); *O'Malley v. United States*, 285 F.2d 733, 735 (6<sup>th</sup> Cir. 1961). A movant must prove that he is entitled to relief by a preponderance of evidence. *Pough v. United States*, 442 F.3d 959, 964 (6<sup>th</sup> Cir. 2006). A motion that merely states general conclusions of law, without substantiating the allegations with facts, is without legal merit. *Loum v. Underwood*, 262 F.2d 866, 867 (6<sup>th</sup> Cir. 1959); *United States v. Johnson*, 940 F. Supp. 167, 171 (W.D. Tenn. 1996).

Under Rule 8(a) of the Governing Rules, the Court is to review the answer, any transcripts, and records of prior proceedings and any material submitted under Rule 7 to determine whether an evidentiary hearing is warranted. Rules Governing Section 2255 Proceedings, Rule 8(a). If a petitioner presents a factual dispute, then “the habeas court must hold an evidentiary hearing to determine the truth of the petitioner’s claims.” *Huff v. United States*, 734 F.3d 600, 607 (6<sup>th</sup> Cir. 2013) (quoting *Valentine v. United States*, 488 F.3d 325, 333 (6<sup>th</sup> Cir. 2007)). An evidentiary hearing is not required “if the petitioner’s allegations cannot be accepted as true because they are contradicted by the record, inherently incredible, or conclusions rather than statements of facts.” *Valentine*, 488 F.3d at 333 (quoting *Arrendondo v. United States*, 178 F.3d 778, 782 (6<sup>th</sup> Cir. 1999)). The Court **FINDS** no need for an evidentiary hearing in the instant case.

### **III. ANALYSIS**

As an initial matter, Petitioner seems to raise two claims in this § 2255 motion: 1) ineffective assistance of counsel for “coercing” Petitioner’s guilty plea as Petitioner “could NOT have been of sound mind and cognitive after the documented months of involuntary administration of a plethora of antipsychotic drugs during his pre-trial confinement and plea hearing”, and 2) that Petitioner’s change of plea was not voluntary because of the “mind-altering and sedative drugs ‘forcibly’ administered to him” as he could not have understood or realized the dire consequences of pleading guilty when under the influence of antipsychotic drugs. [Doc. 1; Crim. Doc. 80]. The Court will first address Claim 2, and then Claim 1.

#### **A. Claim 2 – That Petitioner’s Change of Plea was Involuntary**

***a. Collateral Attack Waiver***

As a preliminary matter, the Court first notes that Petitioner's plea agreement contains a collateral attack waiver wherein Petitioner agreed not to collaterally attack his sentence except for claims of prosecutorial misconduct and ineffective assistance of counsel. [Crim. Doc. 54]. When a defendant knowingly, intelligently, and voluntarily waives the right to collaterally attack his sentence, he is precluded from bringing such claims. *Davila v. United States*, 258 F.3d 448, 451 (6<sup>th</sup> Cir. 2001) (citing to *United States v. Fleming*, 239 F.3d 761, 763 (6<sup>th</sup> Cir. 2001)). A waiver in a plea agreement is generally considered knowing and voluntary if a defendant testified that his guilty plea was not coerced and that he reviewed and understood the agreement terms. *Id.* An exception to the general rule exists if the collateral attack concerns the validity of the waiver itself. *In re Acosta*, 480 F.3d 421, 422 (6<sup>th</sup> Cir. 2007). However, in situations where the § 2255 motion does not articulate a basis for attacking the validity of the waiver, the Sixth Circuit and lower courts within the Circuit have upheld collateral attack waivers if the waivers were knowing and voluntary. *Watson v. United States*, 165 F.3d at 486, 489 (6<sup>th</sup> Cir. 1999); *United States v. Eversole*, No. 6:05-cr-34, 2010 WL 420067, at \*2, n.3 (E.D. Ky. Feb. 1, 2010).

In this case, Petitioner signed a Plea Agreement containing the following waiver provision: “[t]he defendant will not file any motions or pleadings pursuant to 28 U.S.C. § 2255 or otherwise collaterally attack the defendant’s conviction(s) or sentence, with two exceptions: The defendant retains the right to file a §2255 motion as to (i) prosecutorial misconduct not known to the defendant by the time of the entry of the judgment and (ii)



ineffective assistance of counsel.” [Cim. Doc. 54, p. 8]. At Petitioner’s change of plea hearing, the Court complied with Federal Rule of Criminal Procedure 11(b) and ensured that Petitioner understood and was fully informed about the terms of the plea agreement, including the appellate waiver. [Ex. A, pp. 5-9, 14-24]. Petitioner's counsel stated that Petitioner was competent to enter his plea, and the Court concluded that Petitioner was competent to enter a plea and that he did so knowingly and voluntarily. [*Id.* at 5 & 22]. Thus, the Court finds that Petitioner’s plea agreement was knowingly and voluntarily made and nothing in the Court’s review of the record suggests otherwise.

Because Petitioner expressly waived the right to collaterally attack his conviction except for claims of ineffective assistance of counsel and prosecutorial misconduct, Claim 2 is barred by the knowing and voluntary waiver contained in the binding Plea Agreement. *See Davila*, 258 F.3d at 451. The Court further notes that this claim is procedurally defaulted, because Petitioner failed to raise it on appeal. Except for a claim of ineffective assistance of counsel, a federal prisoner’s failure to raise a claim on direct appeal results in a procedural default of that claim. *Bousley v. United States*, 523 U.S. 614, 621 (1998); *Peveler v. United States*, 269 F.3d 693, 698 (6<sup>th</sup> Cir. 2001). For a federal prisoner to obtain review of a defaulted claim in a § 2255 motion, he must show cause to excuse his failure to raise the claim previously and actual prejudice resulting from the alleged violation. *Bousley*, 523 U.S. at 622; *Peveler*, 269 F.3d at 698-700. If a Petitioner cannot show cause and prejudice, he may be able to obtain review, if his case falls within a narrow class of cases permitting review in order to prevent a fundamental miscarriage of justice, such as when new evidence shows that a constitutional violation has probably resulted in a

conviction of one who is actually innocent. *Bousley*, 523 U.S. at 622-23, citing *Murray v. Carrier*, 477 U.S. 478, 495-96 (1986). Here, Petitioner has not attempted to show cause or prejudice for his failure to raise this claim on direct appeal, nor has he attempted to show that he was actually innocent.

Accordingly, Petitioner's Claim 2 will be **DENIED** as barred by his collateral attack waiver and procedurally defaulted. However, as discussed below, this claim alternatively fails on the merits.

***b. Merits***

Petitioner claims that he was mentally incompetent to change his plea. However, as the Supreme Court has explained, “[s]olemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible.” *Blackledge v. Allison*, 431 U.S. 63, 74 (1977). The record flatly contradicts Petitioner's specific claims that 1) he was forcibly medicated against his will, 2) that he was overmedicated and barely knew his own name or where he was at his sentencing and change of plea hearings, and 3) that he was incompetent to stand trial.

First, Petitioner claims he was forcibly medicated against his will. This allegation is contradicted by the record as there is no record of Petitioner refusing medication or stating that he was receiving medication against his will. On the contrary, when Petitioner told the Court about his mental health issues and his medication at his change of plea hearing he did not indicate that he was taking the medications against his will. [See Ex. A, pp. 4-5]. Neither was there any indication from the Bureau of Prisons that Petitioner ever expressed

a desire to refuse his medication. [See Crim. Docs. 40, 41, 44, 48, & 52]. At his sentencing hearing, Petitioner read a letter which he had written to the Court and stated, “He [the doctor] also began prescribing me medicine that was supposed to help me. I still take it to this day...” [Crim. Doc. 89, p. 9]. At no point during the sentencing hearing or any other hearing or pleading on the record does Petitioner state or imply that he was being forced to take any medication against his will or that he did not wish to take anti-psychotic medication. [Crim. Docs. 27, 40, 52, 75, & 89; Ex. A]. As the record directly contradicts Petitioner’s allegation that he was forcibly medicated against his will, it is not credited by the Court. *Blackledge*, 431 U.S. at 74.

Second, Petitioner claims that he was unaware of his name or where he was during his change of plea and at sentencing, and describes himself as “in a catatonic state of mind and a walking zombie.” [Doc. 2, p. 9]. Petitioner also states:

during his sentencing hearing, Petitioner Meachum went so far as to advise the Court that his wife was sitting in the courtroom and was there for the sold [sic] purpose of speaking in [sic] his behalf. A review of Petitioner’s [PSR] and other penal records will conclusively reveal that Petitioner has never been married and was obviously suffering the side effects of the antipsychotic drugs being administered causing him to hallucinate.

(emphasis in original). This allegation is in direct contrast with the record. At Petitioner’s competency hearing, change of plea hearing, and at sentencing, he answered the Court’s questions clearly and directly. [Crim. Docs. 52 & 89; Ex. A]. Further the Court made findings based on its own observations of Petitioner in the courtroom in determining whether Petitioner was competent. [Crim. Docs. 52 & 89]. There is no indication in the record that Petitioner was “catatonic” or a “walking zombie” after he was determined to be

competent to stand trial. [See Crim. Doc. 89; *see also* Ex. A]. Further, Petitioner’s argument regarding his “wife” is also contradicted by the record and not credited. *Blackledge*, 431 U.S. at 74. At sentencing, Petitioner read a letter that he had written to the Court wherein he stated, “Here in the past year, though, I met my imaginary friend Jenny, and she’s been with me since last November, and she’s my faithful, loving wife.” [Crim. Doc. 89, p. 10]. Petitioner continues to refer to Jenny throughout the letter as his “imaginary wife” and does not claim that she is a real person or that she is in the courtroom to speak on Petitioner’s behalf. [*Id.* at 10-11]. Thus, Petitioner’s allegation is directly contradicted by the record and is not credited. *Blackledge*, 431 U.S. at 74.

Finally, Petitioner claims that he was incompetent to stand trial and the Court erred in determining that Petitioner was competent. A defendant's competence to enter a guilty plea is measured under the same standard applicable to competence to stand trial. *Godinez v. Moran*, 509 U.S. 389, 397-98 (1993). The Court must find a defendant not competent to stand trial if “the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” 18 U.S.C. § 4241(d). The Supreme Court has framed the standard as “whether the defendant has ‘sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding’ and has ‘a rational as well as factual understanding of the proceedings against him.’ ” *Godinez*, 509 U.S. at 396, 113 S.Ct. 2680 (quoting *Dusky v. United States*, 362 U.S. 402, 402 (1960)); *accord Mallett*

*v. United States*, 334 F.3d 491, 494-95 (6<sup>th</sup> Cir. 2003); *see also United States v. Heth*, 338 F. App'x 489, 496 (6<sup>th</sup> Cir. 2009).

The record shows that Petitioner was coherent, answered the Court's questions clearly, and displayed rationality and understanding at his hearings after he was restored. [Crim. Docs. 52 & 89; Ex. A]. The record indicates that Petitioner was evaluated by at least three doctors, and that Petitioner did not dispute the findings of the Bureau of Prisons evaluation that Petitioner was competent to stand trial. [Crim. Doc. 52, pp. 1-3]. As the record directly contradicts Petitioner's claim, his claim is not credited. *Blackledge*, 431 U.S. at 74.

Because Petitioner's claims are directly contradicted by the record and are not credited, his claim fails to provide a basis for which § 2255 relief may be granted.

#### **B. Claim 1 – Ineffective Assistance of Counsel**

As discussed above, Petitioner's claim of ineffective assistance of counsel is not barred by his collateral attack waiver. The Sixth Amendment provides that "[i]n all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense." U.S. Const. amend. VI. A criminal defendant's Sixth Amendment right to counsel necessarily implies the right to "reasonably effective assistance" of counsel. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). Under the *Strickland* standard for proving ineffective assistance of counsel, a movant must show: (1) that counsel's performance was deficient; and (2) that the deficient performance prejudiced the defense. *Id.*

To prove deficient performance, the movant must show “that counsel made errors so serious that counsel was not functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment.” *Id.* The appropriate measure of attorney performance is “reasonableness under prevailing professional norms.” *Id.* at 688. A movant asserting a claim of ineffective assistance of counsel must “identify the acts or omissions of counsel that are alleged not to have been the result of reasonable professional judgment.” *Id.* at 690. The evaluation of the objective reasonableness of counsel’s performance must be made “from counsel’s perspective at the time of the alleged error and in light of all the circumstances, and the standard of review is highly deferential.” *Kimmelman v. Morrison*, 477 U.S. 365, 381 (1986). It is strongly presumed that counsel’s conduct was within the wide range of reasonable professional assistance. *Strickland*, 466 U.S. at 690.

The prejudice prong “requires showing that counsel’s errors were so serious as to deprive the defendant of a fair trial, a trial whose result is unreliable.” *Id.* at 687. The movant must demonstrate “a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different[.]” *Id.* at 703. Counsel is constitutionally ineffective only if a performance below professional standards caused the defendant to lose what he “otherwise would probably have won.” *United States v. Morrow*, 977 F.2d 222, 229 (6<sup>th</sup> Cir. 1992).

Petitioner’s claim accuses his attorney of providing ineffective assistance at the plea stage. [Docs. 1, 2]. “A guilty plea is open to attack on the ground that counsel did not provide the defendant with ‘reasonably competent advice.’” *Cuyler v. Sullivan*, 446 U.S. 335, 344 (1980) (quoting *McMann v. Richardson*, 397 U.S. 759, 770-71 (1970)). As noted,

in the guilty-plea context, the Supreme Court employs the same two-part standard for ineffectiveness that was developed in *Strickland*. See *Hill*, 474 U.S. at 58-59. That is, a petitioner must demonstrate that (1) his attorney's performance was outside the range of competence demanded of attorneys in the criminal context, and (2) the professionally unreasonable performance prejudiced him. To show prejudice in the context of a guilty plea, a petitioner “must show that there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.” *Id.* at 59.

Petitioner’s primary argument for ineffective assistance of counsel is that his counsel coerced Petitioner’s guilty plea knowing that Petitioner could not have been of sound mind after being involuntarily administered antipsychotic medication. [Doc. 2, p. 7]. First, this claim lacks specific factual support for the allegation as it fails to state how Petitioner’s counsel “coerced” him into pleading guilty and merely makes a conclusory allegation that “attorney Sharp continued to uncaringly and ineffectually coerce his hapless and catatonic client to enter a plea of guilty...” [*Id.* at 10]. As a result, the Court can reject this contention as insufficient to sustain the motion. See *Ushery v. United States*, No. 20-5292, 2020 U.S. App. LEXIS 21840, at \*3–4 (6<sup>th</sup> Cir. July 14, 2020).

Second, Petitioner’s arguments fail at *Strickland*’s second step. Petitioner lists conclusory allegations regarding his counsel’s alleged ineffectiveness but does not show how he was prejudiced by any of them. [Doc. 2, pp. 13-14]. Petitioner claims that his counsel failed to investigate the facts of the case and failed to discuss and exchange views regarding the entering of the plea agreement, but does not claim that the factual basis was

not as presented to the Court and agreed to in the Plea Agreement or that Petitioner would have proceeded to trial but for counsel's mis-advice. [*Id.* at 13]. Petitioner claims that counsel was ineffective for failing to explain the consequences of pleading guilty, the consequences of the sentencing guidelines, the consequences of mandatory/minimum sentences, and the nature of the charges. [*Id.* at 13-14] However, Petitioner cannot show prejudice as the record shows that these consequences were explained to him by the Court at his change of plea hearing *before* the Court accepted his change of plea and again at sentencing. [Ex. A; Crim. Doc. 89].

Petitioner also claims his counsel was ineffective for failing to follow-up and arrange a court ordered independent psychologist evaluation in a timely manner and failing to assert the right to a speedy trial as Petitioner was held 30 months before a trial/plea had taken place.<sup>3</sup> Petitioner has failed to show ineffectiveness as to these claims because the record indicates that Petitioner did receive multiple psychological evaluations, court-ordered and independent, [*See* Crim. Doc. 52], and the delay in trial was properly excluded by the Court under the Speedy Trial Act as Petitioner was being evaluated to determine his competency to stand trial, thus his counsel had no basis to allege a speedy-trial violation. [*See id.*]; *see also Mapes v. Coyle*, 171 F.3d 408, 413 (6<sup>th</sup> Cir. 1999) (“[c]ounsel could not be constitutionally ineffective for failing to raise . . . meritless arguments.”).

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<sup>3</sup> Petitioner also raises conclusory allegations that his appellate counsel was ineffective, and that the Court and the prosecutor denied his right of access to the courts and equal protection. [Doc. 2, p. 14]. Petitioner did not file an appeal, so he was not appointed appellate counsel, neither has Petitioner provided any factual support regarding his access to the Court claim. Accordingly, the Court rejects these claims as they lack any factual support. *See Ushery*, 2020 U.S. App. LEXIS 21840, at \*3–4.



Further, even if Petitioner had provided specific allegations of his counsel's conduct and prejudice, the motion would still be denied. As discussed above, Petitioner's claim that he was incompetent to stand trial or plead guilty is directly contradicted by the record and is not credited. *See Blackledge*, 431 U.S. at 74. Further, Petitioner has not alleged that he would not have pled guilty or proceeded to trial but for counsel's mis-advice. Petitioner thus cannot bear his burden of showing "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Strickland*, 466 U.S. at 694.

Accordingly, Petitioner's Claim 1 will be **DENIED** as the record directly contradicts Petitioner's claims, and Petitioner has not shown that he was prejudiced by any alleged ineffectiveness of counsel.

#### **IV. CONCLUSION**

For the reasons above, Petitioner's § 2255 motion [Doc. 1; Crim. Doc. 80] will be **DENIED** and **DISMISSED**.

#### **V. CERTIFICATE OF APPEALABILITY**

Under 28 U.S.C. § 2253(c)(2), the Court must determine whether a certificate of appealability should be granted. A certificate should issue if a petitioner has demonstrated a "substantial showing of a denial of a constitutional right." *Id.* The district court must "engage in a reasoned assessment of each claim" to determine whether a certificate is warranted. *Murphy v. Ohio*, 263 F.3d 466, 467 (6<sup>th</sup> Cir. 2001). Each issue must be considered under the standards set forth by the Supreme Court in *Slack v. McDaniel*, 529 U.S. 473 (2000). *Id.*

A petitioner whose claims have been rejected on the merits satisfies the requirements of § 2253(c) by showing that jurists of reason would find the assessment of the claims debatable or wrong. *Slack*, 529 U.S. at 484. A petitioner whose claims have been rejected on a procedural basis must demonstrate that reasonable jurists would debate the correctness of the Court's procedural ruling. *Id.*; *Porterfield v. Bell*, 258 F.3d 484, 485-86 (6<sup>th</sup> Cir. 2001). Having examined Petitioner's claims under the *Slack* standard, the Court finds that reasonable jurists could not find that the dismissal of those claims was debatable or wrong. Therefore, the Court will **DENY** issuance of a certificate of appealability.

A separate judgment will enter.

**IT IS SO ORDERED.**

ENTER:

s/ Leon Jordan  
\_\_\_\_\_  
United States District Judge

# EXHIBIT

A



1 THE COURTROOM DEPUTY: All rise.

2 The United States District Court for the  
3 Eastern District of Tennessee is now open pursuant to  
4 adjournment. The Honorable Pamela Reeves, United States  
5 District Judge, presiding.

6 Please come to order and be seated.

7 THE COURT: Good afternoon.

8 MS. SIMS: Good afternoon.

9 MR. SHARP: Good afternoon.

01:33PM 10 THE COURT: Miss Archer, if you'll call our  
11 next case, please.

12 THE COURTROOM DEPUTY: Yes, Your Honor.

13 We're here for a change of plea in 3:15-cr-85,  
14 Defendant No. 1, United States of America versus Walter  
15 John Meachum, III.

16 Is the government present and ready to proceed?

17 MS. SIMS: Present and ready, Your Honor.

18 THE COURTROOM DEPUTY: Is the defendant present  
19 and ready to proceed?

01:33PM 20 MR. SHARP: Yes, Your Honor.

21 THE COURT: Mr. Sharp, if you'll ask your  
22 client to come with you, please, up to the lectern.

23 (The defendant was thereupon duly sworn.)

24 THE COURT: Mr. Meachum, good afternoon.

25 THE DEFENDANT: Good afternoon.

1 THE COURT: Mr. Meachum, I've been informed  
2 that you wish to change your plea to a plea of guilty;  
3 is that correct?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: All right. I'm going to ask if  
6 you'll get a little closer to the microphone and speak  
7 up a little bit so that our court reporter can hear you.

8 Now, Mr. Meachum, before I can accept your  
9 guilty plea, there are a number of questions that I must  
01:34PM 10 ask you to assure that your plea is a valid one.

11 Do you understand that you are now under oath,  
12 and if you answer any of my questions falsely, your  
13 answers may be used against you in another prosecution  
14 for making a false statement or committing perjury?

15 THE DEFENDANT: Yes. Yes, ma'am.

16 THE COURT: Will you give us your full name,  
17 please.

18 THE DEFENDANT: Walter John Meachum, III.

19 THE COURT: Are you known by any other names or  
01:34PM 20 nicknames?

21 THE DEFENDANT: No.

22 THE COURT: How old are you?

23 THE DEFENDANT: 23.

24 THE COURT: How far did you go in school?

25 THE DEFENDANT: The 11th grade.

1 THE COURT: Now, Mr. Meachum, have you ever  
2 been treated for any mental illness or addiction to  
3 narcotic drugs of any kind?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Tell me about those treatments,  
6 please.

7 THE DEFENDANT: The mental health treatment.

8 MS. SIMS: When was that?

9 THE DEFENDANT: My whole life. Since I was in  
01:35PM 10 the fifth grade.

11 THE COURT: And what kind of diagnosis do you  
12 have?

13 THE DEFENDANT: Paranoid schizophrenic.

14 THE COURT: Okay. Are you on medication for  
15 that diagnosis?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: And do you take that medication  
18 now?

19 THE DEFENDANT: Yes, ma'am.

01:35PM 20 THE COURT: So if you will please tell me what  
21 types of medication you have taken in the last 24 hours.

22 THE DEFENDANT: Seroquel, Risperdal, Effexor,  
23 cogentin, and Ativan.

24 THE COURT: All right. And, Mr. Meachum,  
25 that's a pretty significant combination of drugs. Is

1 there anything about any of those medications that you  
2 have taken in the last 24 hours that prevent you from  
3 understanding what's going on here today?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: So you know why you're here?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: And you know what's happening here  
8 today?

9 THE DEFENDANT: Yes, ma'am.

01:35PM 10 THE COURT: Now, Mr. Sharp, do you consider  
11 your client to be competent to enter a guilty plea  
12 today?

13 MR. SHARP: Yes, Your Honor.

14 THE COURT: Now, Mr. Meachum, did you receive a  
15 copy of the superseding indictment in this case?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: And have you had ample opportunity  
18 to discuss the charges against you and your case with  
19 your lawyer?

01:36PM 20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Have you told your lawyer  
22 everything you know about this case?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: And do you believe that Mr. Sharp  
25 is fully aware of all the facts upon which those charges



1 are based?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Has your lawyer advised you of the  
4 nature and the meaning of these charges?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Has your lawyer explained to you  
7 the meaning of any words in the superseding indictment  
8 that you might not have understood?

9 THE DEFENDANT: No, ma'am.

01:36PM 10 THE COURT: All right. Let me ask that  
11 question again.

12 What I want to know is: Were there any words  
13 in the indictment or the superseding indictment that you  
14 didn't understand?

15 THE DEFENDANT: No, ma'am.

16 THE COURT: So you feel like you know exactly  
17 what you're being charged with as a result of that  
18 indictment?

19 THE DEFENDANT: Yes, ma'am.

01:37PM 20 THE COURT: And, Mr. Sharp, do you agree that  
21 you've had the opportunity to explain the meaning of any  
22 words in the superseding indictment to Mr. Meachum?

23 MR. SHARP: Yes, Your Honor.

24 THE COURT: Has your lawyer specifically  
25 advised you as to every element of the offenses that the

1 government must prove beyond a reasonable doubt in order  
2 to obtain a conviction?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: And has your lawyer advised you as  
5 to any potential defenses that you may have to these  
6 charges?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Has your lawyer explained the terms  
9 of the plea agreement to you?

01:37PM 10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Now, Mr. Meachum, as you stand here  
12 in this court this afternoon, are you satisfied with  
13 your lawyer's advice and his representation of you?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Mr. Sharp, are you satisfied that  
16 your client understands the charges, the elements of the  
17 offenses that are being charged, and the legal meaning  
18 of the words used in the superseding indictment?

19 MR. SHARP: Yes, Your Honor.

01:38PM 20 THE COURT: Mr. Meachum, when a person enters a  
21 guilty plea, they are giving up some valuable  
22 constitutional rights. I'm going to ask you some  
23 questions to ensure that you know what constitutional  
24 rights you're giving up.

25 Do you understand that you have the right to

1 plead not guilty to any offense charged against you and  
2 to persist in that plea?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Do you also understand that you  
5 would then have the right to a trial by jury, during  
6 which you would also have the right to the assistance of  
7 counsel for your defense?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And you understand you would have  
01:38PM 10 the right to see and hear all of the witnesses?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: And have them cross-examined?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And you understand you would have  
15 the right on your own part not to testify unless you  
16 chose to do so?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: And that, finally, you would have  
19 the right to the issuance of subpoenas or compulsory  
01:39PM 20 process that could compel the attendance of witnesses  
21 who might testify on your behalf?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Now, Mr. Meachum, do you understand  
24 that by entering a plea of guilty, if I accept that  
25 plea, there will be no trial, and you will have given up

1 the right to a trial of any kind, as well as the other  
2 rights associated with a trial that I have just  
3 described to you?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: And, sir, do you also understand  
6 that you'll be giving up the right not to be compelled  
7 to incriminate yourself?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And that, finally, you're giving up  
01:39PM 10 the right to require that the United States prove you  
11 guilty beyond a reasonable doubt?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Mr. Meachum, has any person,  
14 including an officer or agent of the government, put any  
15 pressure on you, mental or physical, to force you to  
16 plead guilty?

17 THE DEFENDANT: No, ma'am.

18 THE COURT: And other than the plea agreement,  
19 has any officer or agent of the government promised or  
01:40PM 20 suggested that you will receive a lighter sentence or  
21 some other form of leniency if you plead guilty?

22 THE DEFENDANT: No, ma'am.

23 THE COURT: Mr. Sharp, does your client want to  
24 waive reading of the indictment?

25 MR. SHARP: He will waive reading.

1 THE COURT: Very well. I'm going to allow the  
2 two of you to return to counsel table. And I'm going to  
3 ask Miss Sims if she will come forward.

4 Miss Sims, on behalf of the government, will  
5 you please explain to Mr. Meachum the essential elements  
6 which the government must prove in order to establish  
7 his guilt of the charges set forth in the superseding  
8 indictment, the maximum and minimum penalties that are  
9 provided by law for the charged offenses, and the  
01:40PM 10 factual basis for the plea, all of which are contained  
11 in the plea agreement that has been signed by  
12 Mr. Meachum in this case and entered into the record as  
13 Document 54.

14 MS. SIMS: Yes, Your Honor.

15 The essential elements of the crime are as  
16 follows: Count Six: One, the defendant knowingly used,  
17 carried, brandished, and disarmed -- discharged a  
18 firearm; two, during and in relation to a crime of  
19 violence; and, three, for which he may be prosecuted in  
01:41PM 20 a court of the United States.

21 Count Ten: One, the defendant knowingly used,  
22 carried, brandished, and discharged a firearm aided and  
23 abetted by another; two, during and in relation to a  
24 crime of violence; and, three, for which he may be  
25 prosecuted in a court in the United States.

1 Count Six: The maximum -- excuse me. The  
2 maximum punishment for this offense is a term of  
3 imprisonment of at least ten years up to life, which  
4 must be served consecutive to any other imprisonment, a  
5 fine of up to \$250,000, a term of supervised release of  
6 up to five years, and a \$100 special assessment.

7 Count Ten: The maximum punishment for this  
8 offense is a term of imprisonment of at least 25 years  
9 up to life, which must be served consecutive to any  
01:42PM 10 other imprisonment, a fine of up to \$250,000, a term of  
11 supervised release of up to five years, and a \$100  
12 mandatory special assessment.

13 The defendant agrees and stipulates to the  
14 following facts: On April 25th, 2015, the Midway Market  
15 located at 9145 Highway 63, Speedwell, Tennessee was  
16 robbed. According to the victim store owner, an unknown  
17 male robber, later identified as the defendant, walked  
18 into the business dressed in a black jacket and black  
19 shirt and wore a black mask to conceal his face. The  
01:42PM 20 defendant pointed a handgun, believed to be a .38  
21 revolver at the victim and demanded money. After taking  
22 the money and a carton of Marlboro Red cigarettes, the  
23 defendant took the victim store owner's cell phone and  
24 broke it in half. At this time, another victim walked  
25 into the business. This victim observed the defendant

1 with the gun and quickly ran back out of the store. The  
2 defendant chased the victim out the door and fired  
3 approximately three rounds in his direction. The  
4 defendant then entered the victim's Chevrolet S-10  
5 pickup truck and fled the location.

6 On May 14th, 2015, the defendant robbed the  
7 Marathon gas station located at 4270 General Carl W.  
8 Stiner Highway, LaFollette, Tennessee. Defendant  
9 pointed the firearm at several witnesses and then  
01:43PM 10 discharged the weapon into the counter. When he fired  
11 the gun, one of the bullets struck a 12-year-old female  
12 victim. The defendant then went behind the counter,  
13 opened the cash register and stole the money from the  
14 register. The defendant exited the store and  
15 encountered numerous people in the parking lot. The  
16 defendant pointed his weapon at several people sitting  
17 in a 2014 gray Toyota Camry which was parked in the  
18 store parking lot and ordered them out of the vehicle.  
19 Once they got out of the vehicle, the defendant entered  
01:43PM 20 the vehicle and fled the location.

21 On May 19th, 2015, the defendant robbed the  
22 Pilot convenient store located at 1915 East Raccoon  
23 Valley Road, Heiskell, Tennessee. The robber was  
24 described as an unknown white male standing  
25 approximately five foot ten inches to six feet tall and

1 weighing approximately 150 to 160 pounds. Witnesses  
2 advised that the robber wore a black hooded sweater,  
3 white shirt, blue jeans, black tennis shoes, and a skull  
4 mask and dark gloves, and the robber acted as if he were  
5 on drugs. A victim stated the robber entered the  
6 business, pointed what appeared to be a handgun at her  
7 and demanded money. Following the demand for money, the  
8 robber fired one round from the handgun in the direction  
9 of the victim. The victim -- the victim advised the  
01:44PM 10 robber exited the store with an undetermined amount of  
11 money and fled in a silver Honda convertible.

12 On the same day as the Pilot convenience store  
13 robbery, the Campbell County Sheriff's Office received a  
14 complaint call reporting a stolen silver Honda s2000  
15 convertible. The stolen Honda convertible was later  
16 found abandoned in Knox County, Tennessee.

17 On May 20th, 2015, the defendant and  
18 co-defendant Hanna Michelle Blackwell were located at  
19 the Scottish Inn located at 530 North Main Street, Room  
01:45PM 20 3, Rocky Top, Tennessee. The defendant was arrested for  
21 aggravated robbery. A search warrant was executed on  
22 their hotel room by the Knox County Sheriff's Office and  
23 the following items were located: Damaged Nokia  
24 cellular phone, skeleton masks, Honda key, .22  
25 ammunition, an improvised firearm with a .22 barrel,



1 foreign currency, knife, and additional miscellaneous  
2 items. The Honda key was returned to the victim of the  
3 stolen Honda who identified the key as belonging to his  
4 recovered Honda convertible. To confirm, he  
5 successfully utilized the key to start the vehicle.

6 Blackwell identified the defendant as the  
7 perpetrator of the Marathon gas station robbery and the  
8 Pilot convenience store robbery. She further admitted  
9 she went along with him on both robberies. Blackwell  
01:45PM 10 stated that she did not know he was robbing the Marathon  
11 gas station and did not know he had a gun, but she  
12 admitted knowing about the Pilot robbery and willingly  
13 assisting him. She admitted knowing that he had a gun.

14 Follow-up interviews revealed information that  
15 the defendant had recently sold a silver Taurus 38  
16 revolver to another individual.

17 THE COURT: Thank you, Miss Sims.

18 Now, Mr. Meachum, did you hear what Miss Sims  
19 says that you did in this case?

01:46PM 20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: And do you agree that this is what  
22 you did?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: So, Mr. Meachum, in response to the  
25 charge set forth in Count Six of the Superseding

1 Indictment charging you with using, carrying,  
2 brandishing, and discharging a weapon during and in  
3 relation to a crime of violence in violation of 18  
4 United States Code § 924(c)(1), how do you plead, sir;  
5 guilty or not guilty?

6 THE DEFENDANT: Guilty.

7 THE COURT: Now, Mr. Meachum, do you understand  
8 what you're pleading guilty to?

9 THE DEFENDANT: Yes, ma'am.

01:46PM 10 THE COURT: And are you offering to plead  
11 guilty because you are, in fact, guilty?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Then in response to the charge set  
14 forth in Count Ten of the Superseding Indictment  
15 charging you with using, carrying, brandishing, and  
16 discharging a weapon during and in relation to a crime  
17 of violence while aided and abetted by another in  
18 violation of 18 United States Code § 924(c)(1) through  
19 (2), how do you plead?

01:47PM 20 THE DEFENDANT: Guilty.

21 THE COURT: And, once again, do you understand  
22 what you're pleading guilty to?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: And are you offering to plead  
25 guilty because you are, in fact, guilty?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Now we're going to talk a little  
3 bit about what to expect during the sentencing phase.

4 Do you understand that I may order you to make  
5 restitution to any victim of this offense?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: And do you further understand that  
8 I may order you to forfeit certain property to the  
9 government?

01:47PM 10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Now, Mr. Meachum, if I accept your  
12 guilty plea, you will be adjudged guilty of a felony,  
13 and this may deprive you in some states of valuable  
14 civil rights, such as the right to vote, the right to  
15 hold public office, the right to serve on a jury, and  
16 the right to possess any kind of firearms and  
17 ammunition. Are you aware of that fact?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Mr. Meachum, I must advise you that  
01:48PM 20 I will consider the applicable sentencing guidelines,  
21 but I may depart from those guidelines under certain  
22 circumstances.

23 Has Mr. Sharp, your attorney, discussed with  
24 you the possible application of the sentencing  
25 guidelines to your case?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: I must also further advise you that  
3 if I accept your plea of guilty, your sentence may be  
4 enhanced or increased due to any prior convictions that  
5 you may have; are you aware of that fact?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: And do you also realize that if I  
8 accept your plea of guilty, a judgment of conviction  
9 will result, and that conviction may be used against you  
01:49PM 10 in the future if you are convicted in a subsequent  
11 proceeding to enhance or increase any sentence that you  
12 might receive for future offenses; are you aware of  
13 that?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Now, I have received the plea  
16 agreement in your case, but I am not required to accept  
17 it. I may defer my decision of whether to accept the  
18 plea agreement until I have received and reviewed the  
19 Presentence Report from the probation office.

01:49PM 20 If I decide to reject the plea agreement, you  
21 will be advised of that decision in open court and you  
22 will be allowed to reconsider or withdraw your plea of  
23 guilty.

24 Now, Mr. Meachum, in your plea agreement, you  
25 are waiving certain rights. Specifically, with regard

1 to your right to appeal, do you understand that under  
2 the terms of the plea agreement in this case, you will  
3 have a right to appeal a sentence that is imposed above  
4 the sentencing guideline range or above any mandatory  
5 minimum sentence, whichever is greater, but, otherwise,  
6 you understand that you are waiving the right to file a  
7 direct appeal of either your conviction or your  
8 sentence?

9 THE DEFENDANT: Yes, ma'am.

01:50PM 10 THE COURT: Do you also understand that you are  
11 waiving or giving up the right to challenge the duration  
12 or the conditions of any term of supervised release that  
13 I impose?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: You also are giving up the right to  
16 appeal my determination as to whether your sentence will  
17 be consecutive or partially concurrent to any other  
18 sentence; do you realize that?

19 THE DEFENDANT: Yes, ma'am.

01:50PM 20 THE COURT: Now, under the terms of your plea  
21 agreement, you will have a right to file a claim for  
22 ineffective assistance of counsel or prosecutorial  
23 misconduct, but, otherwise, you understand that you are  
24 waiving the right to file any motions or pleadings under  
25 28 United States Code § 2255 to collaterally attack your

1 conviction or sentence?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Do you also understand that under  
4 some circumstances, the government may have the right to  
5 appeal the sentence that I impose?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Now, Mr. Meachum, the government  
8 has not made any agreement to recommend a particular  
9 sentence. So you know that your sentence will be  
01:51PM 10 determined by me after I consider the sentencing  
11 guidelines and other information that is relevant to  
12 your case?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And, Mr. Meachum, you do understand  
15 that you will not be permitted to withdraw your guilty  
16 plea based on the sentence that you might receive?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Now, I will not be able to  
19 determine the appropriate sentence until I have received  
01:52PM 20 the Presentence Report. You and the government will  
21 have the opportunity to consider and challenge the facts  
22 in that report.

23 Now, Mr. Meachum, you understand that parole  
24 has been abolished?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: So you know that if I sentence you  
2 to prison, you will not be released on parole?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Are you currently on probation for  
5 any previous offenses?

6 THE DEFENDANT: I don't know.

7 (A discussion was had off the record between  
8 the defendant and his counsel.)

9 THE DEFENDANT: Yes, ma'am.

01:52PM 10 THE COURT: So you do think you are still on  
11 probation?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Now, do you understand that if you  
14 plead guilty in this case, your probation may be revoked  
15 in the other case?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Are you presently on parole from  
18 any penal institutions?

19 THE DEFENDANT: Yes, ma'am.

01:53PM 20 THE COURT: All right. Do you understand that  
21 by pleading guilty in this case, you may be found to  
22 have violated your conditions of parole?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Now, Mr. Meachum, I am required to  
25 inform you that as a condition of any period of

1 supervised release that is imposed in this case, that  
2 supervised release will be revoked if you are found in  
3 possession of a controlled substance, a firearm, or  
4 ammunition. So you understand that this revocation is  
5 now mandatory under federal law?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Mr. Meachum, knowing all these  
8 penalties, do you still wish to plead guilty?

9 THE DEFENDANT: Yes, ma'am.

01:53PM 10 THE COURT: Very well.

11 I have observed the appearance of Mr. Meachum  
12 here in court this afternoon and I have heard his  
13 answers to the questions that I have asked. Based on my  
14 observations and his answers to my questions, I find  
15 that Mr. Meachum is fully competent and capable to enter  
16 a plea of guilty.

17 Mr. Meachum, your plea of guilty to violating  
18 18 United States Code § 924(c)(1) as set forth in Count  
19 Six of the Superseding Indictment and your plea to  
01:54PM 20 violating 18 United States Code § 924(c)(1) through (2)  
21 as set forth in Count Ten of the Superseding Indictment  
22 are accepted.

23 Mr. Meachum is in full possession of his  
24 faculties this afternoon. He is competent to plead  
25 guilty. He is not here today under the influence of



1 narcotics or other drugs or alcohol. He has knowingly  
2 waived his constitutional right to trial and the other  
3 rights accorded to persons accused of a crime.

4 Mr. Meachum understands the nature of the  
5 charges to which the pleas are offered and the maximum  
6 and minimum penalties that are provided by law for these  
7 offenses.

8 Mr. Meachum has offered to plead guilty  
9 knowingly and voluntarily. He understands the plea  
01:55PM 10 agreement that's been made on his behalf. Accordingly,  
11 the guilty pleas will be accepted.

12 Mr. Meachum, you are hereby adjudged guilty of  
13 violating 18 United States Code § 924(c)(1) as set forth  
14 in Count Six of the Superseding Indictment, and you are  
15 adjudged guilty of violating 18 United States Code §  
16 924(c)(1) through (2) as set forth in Count Ten of the  
17 Superseding Indictment.

18 Now, Mr. Meachum, you're going to be asked to  
19 provide information to the probation officer so that the  
01:55PM 20 probation officer can prepare the Presentence Report in  
21 your case. You may have your attorney present with you  
22 during that conference if you desire.

23 Counsel are referred to Local Rule 83.9  
24 regarding sentencing procedures. Within 14 days of the  
25 receipt of the Presentence Report, the parties shall

1 file with the court any objections they may have to the  
2 Presentence Report. A party having no objections to the  
3 report shall file a Notice of No Objections.

4 Counsel for the government must file with the  
5 court and provide copies to the probation office and all  
6 counsel of record any enhancements the government will  
7 seek to rely upon to determine the appropriate sentence  
8 in this case, along with the sentencing memoranda  
9 setting forth the government's position -- the  
01:56PM 10 government's reason for the requested enhanced sentence.

11 Defense counsel must file with the court any  
12 requests for a variance from the sentence recommended by  
13 the sentencing guidelines, along with the sentencing  
14 memoranda setting forth Mr. Meachum's position as to why  
15 a variance from the recommended guideline sentence would  
16 be appropriate in his case.

17 If an evidentiary hearing is required on any  
18 requested enhancement, variance, or any objection to the  
19 Presentence Report, the party must expressly request a  
01:57PM 20 hearing at the time of filing any objections or  
21 response. Failure to file a request for an enhancement,  
22 variance or objection to the Presentence Report may  
23 result in a denial of the request.

24 Now, Mr. Meachum, you and your attorney will be  
25 permitted to speak on your behalf at the sentencing

1 hearing in this case, which will be held on  
2 November 16th, 2017, at 10 o'clock a.m.

3 Now, sir, you will remain in the custody of the  
4 United States Marshal and be produced for your  
5 sentencing hearing on November 16th, 2017, at 10 o'clock  
6 a.m.

7 Mr. Sharp, is there anything further on behalf  
8 of your client?

9 MR. SHARP: No, Your Honor. Thank you.

01:57PM 10 THE COURT: Miss Sims, anything further on  
11 behalf of the government?

12 MS. SIMS: Nothing further, Your Honor.

13 THE COURT: Very well. With nothing further,  
14 then we will stand in recess.

15 THE COURTROOM DEPUTY: All rise.

16 This honorable court is now in recess.

17 (Which were all the proceedings had and  
18 herein transcribed.)

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1 C-E-R-T-I-F-I-C-A-T-E

2 STATE OF TENNESSEE

3 COUNTY OF KNOX

4 I, Teresa S. Grandchamp, RMR, CRR, do hereby  
5 certify that I reported in machine shorthand the above  
6 proceedings; that the foregoing pages were transcribed  
7 under my personal supervision and constitute a true and  
8 accurate record of the proceedings.

9 I further certify that I am not an attorney or  
10 counsel of any of the parties, nor an employee or  
11 relative of any attorney or counsel connected with the  
12 action, nor financially interested in the action.

13 Transcript completed and signed on Monday,  
14 February 8, 2021.

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TERESA S. GRANDCHAMP, RMR, CRR  
Official Court Reporter

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